

Senator Ford moved to amend by inserting, "9 o'clock to-morrow morning."

Carried.

The Senate adjourned until 9 o'clock A. M., to-morrow.

### SIXTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 28, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

On motion of Senator Ledbetter, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Grace asked that the journals show that his absence of last Monday was because of official duties at the Lunatic Asylum. So ordered.

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred the petition of James W. Henderson, requesting an act of the Legislature, "allowing the Comptroller to audit his claim as one of the veterans, upon production of one witness, etc.," have considered the same, and instruct me to report it back to the Senate, and recommend that the prayer can not be granted, as such an act would be a special law, and the rights of the petitioner to a pension can be fully determined by the Comptroller under the act granting pensions to the surviving veterans of the Revolution which separated Texas from Mexico. HOBBY, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 83, "An Act to regulate the keeping and bearing of arms," and Senate Bill No. 51, "An Act to repeal Section 4 of an act entitled, 'An Act to regulate the keeping and bearing of deadly weapons,'" approved April 12, 1871, have instructed me to report the bills back to the Senate, and recommend that Senate Bill No. 83 do not pass, and that Senate Bill No. 51 do pass. HOBBY, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred House Bill No. 137, "An act to amend 'An Act to amend Article 11, of an act entitled, 'An Act concerning divorce, and alimony,'" approved January 6, 1841, approved May 27, 1873, have considered the same, and recommend its passage as amended:

In line 14 of the bill amend by adding after the word, "State," the following: "And in the county in which he or she resides at the time of the filing of the petition."

In line 16, after the word, "suit," insert, "and that may be instituted in the county in which either the plaintiff or defendant resides."

HOBBY, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred Senate Bill

No. 297, "An Act to prescribe the time of holding the District Court in the Twenty-first Judicial District," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

HOBBS, *Chairman*.

Senator Smith in the chair.

Senator Ball, Chairman of the Committee on General Land Office, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on the General Land Office, to whom was referred Senate Joint Resolution, "instructing said committee to examine into the General Land Office, pursuant to said resolution," went to the aforesaid office, and, on careful examination, found the office in good condition, and a great quantity of work being done.

Your committee would further state that for the fiscal year, beginning September 1, 1875, up to April 30, 1876, the receipts of the Land Office were \$45,145 22, being an average of \$5,643 15 per month; at which rate, per month, the receipts for the present year would be \$67,707 80, which sum, your committee believe, will more than sustain and defray the expenses of said office. Under the law, as it now stands, there is no fee allowed for filing papers in the Land Office, and as your committee believe that each department of said office should be self-sustaining, with a view to that purpose we would recommend the passage of a law fixing a fee of fifteen cents for each paper filed in the Land Office. This small fee would annually bring in about \$6,000 in addition to the present annual revenue. All of which is respectfully submitted.

BALL, *Chairman*.

Senator Carroll introduced a bill, entitled, "An Act to make valid the State bonds issued to the school fund, November 12th, 1866, as an indemnity for United States bonds belonging to that fund and used by the State during the war, and to authorize the interest on the same to be collected and placed to the credit of the available school fund.

Read by caption, and referred to the Finance Committee.

Senator Thompson introduced a joint resolution, "To provide a mode for the issuance of certificates for lands which were granted by law by the State of Coahuila and Texas, and not to exceed sixteen sitios in quantity, to which title has not been extended."

Read by caption and referred to the Committee on Public Lands.

On motion of Senator Grace, Senator Francis was excused for the day.

The unfinished business being Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of free schools," was taken up.

Senator Ball offered a substitute for the bill, which was read.

President in the chair.

On motion of Senator Douglass the bill and substitute were postponed three days, and 100 copies of the substitute ordered printed.

Senator Ball introduced a substitute for the bill to establish a system of public free schools.

Senator Terrell arose to a question of privilege, and said:

MR. PRESIDENT—I would not have arisen to a question of privilege had not the Senator from Jack (Senator Ball) first offered his substitute, for its reading has furnished to the Senate the evidence of the correction

I propose to make. That substitute is almost a literal copy of a bill formerly introduced by him, and referred to the committee of which I am Chairman. In this morning's *Statesman*, I find this article:

"The school bill, now eliciting so much attention in the Senate, was originally compiled by Senator Ball, and then passed into the hands of Mr. S. G. Sneed, of this place, an able educator and late Chief Clerk in the Educational Department. He carefully revised the bill, and finally, after it had been thoroughly amended by this experienced gentlemen, had the assessment requirements, and other legal features added to it by Senator Terrell, and by him was presented to the Senate."

This statement is in its every feature incorrect; for, as the Senate can now see, and as the committee already know:

*First*—There are scarcely two features in common in the two bills.

*Second*—The bill reported by me was not originally compiled by Senator Ball.

*Third*—Senator Ball's bill did not pass into the hands of Mr. S. G. Sneed, to be revised by him, nor was it revised or amended by him or any one else.

*Fourth*—The bill reported by the committee contains sixty-three sections, and embodies one system; Senator Ball's bill contains sixteen sections, and embodies another and a different system.

I have no other desire than that the best system may be adopted, and I feel indifferent as to who shall frame it. There is scarcely a section which does not bear the impress of the suggestions of some one of the able Senators who compose the committee, and I now again announce, as I have before done from my place here in the Senate, the invaluable aid rendered by Mr. Sneed, who was before the committee, and who aided in the preparation of the original bill.

As I am ignorant of the motives which prompted the publication, I do not feel called on to do more than correct it.

Senator Ball disclaimed all knowledge of the article.

Senator Terrell—I know the Senator too well to believe that he had any knowledge of it, and I hope I have said nothing to convey the idea that I supposed he knew anything of it.

A message was received from His Excellency, the Governor.

The special order, House Bill No. 235, was taken up and postponed for the consideration of substitutes for Senate Bills Nos. 80 and 82, "An Act to create the Bureau of Insurance, Statistics and History of Texas," which bill was taken up and read second time.

Senator Ford offered an amendment, as an additional section to the bill, to come in between Sections 14 and 15:

"That in the event any number of insurance companies should associate together for the purpose of issuing or vending policies or joint policies of insurance, such association shall not be permitted to do business in this State until the taxes and fees due from each of said companies shall have been paid, and other conditions complied with; and any company failing or refusing to pay such taxes and fees, and to fully comply with the requirements of law, shall be refused permission by the commission to do business in this State."

Adopted.

Senator Douglass was excused from voting.

Senator McLeary moved to fill first blank in Section 5 with "\$2,500."

Senator Martin moved to amend by inserting, "\$1,500."



Senator McLeary's amendment being the largest sum, was put and lost.

Senator Edwards moved to insert, "\$2,250," instead of, "\$1,500."

Senator Crain moved to amend by inserting, "\$2,400."

Senator Crain's amendment was lost by the following vote:

YEAS—Senators Ball, Brown, Crain, Edwards, Ford, Ledbetter, McLeary, McCormick, McCulloch, Stephens, Terrell—11.

NAYS—Senators Blassingame, Brady, Burton, Carroll, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, Moore, Motley, Ripetoe, Smith, Storey, Thompson, Wortham—17.

NOT VOTING—Senator Piner—1.

Senator Edwards' amendment was lost by the following vote:

YEAS—Senators Ball, Brown, Crain, Edwards, Ford, Ledbetter, McLeary, McCormick, McCulloch, Stephens, Storey, Terrell—12.

NAYS—Senators Blassingame, Brady, Burton, Carroll, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, Moore, Motley, Ripetoe, Smith, Thompson, Wortham—16.

NOT VOTING—Senator Piner—1.

Senator Motley moved to fill the blank by "\$2,000."

Carried by the following vote:

YEAS—Senators Ball, Brown, Burton, Carroll, Crain, Edwards, Ford, Guy, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senators Blassingame, Brady, Grace, Henry J. R., Henry F. M., Hobby, Martin, Wortham—8.

NOT VOTING—Senator Piner—1.

Senator Burton moved to fill blank, in Section 5, line 3, with "\$1,500." Lost.

Senator Motley moved to fill said blank with "\$1,200."

Adopted by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Edwards, Ford, Guy, Ledbetter, McLeary, McCormick, McCulloch, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson—17.

NAYS—Senators Blassingame, Brady, Carroll, Grace, Henry J. R., Henry F. M., Hobby, Martin, Moore, Smith, Wortham—11.

NOT VOTING—Senator Piner—1.

Senator McLeary moved to fill the two blanks, in Section 8, line 236, (printed bill) by inserting, "31st," and, "December."

Carried.

Also, strike out, "Legislature," in lines 235 and 236, and insert, "Governor."

Carried.

Senator Martin moved to strike out Section 17.

Senator offered a substitute for Senator Martin's amendment:

Amend by striking out all after the word, "the," in line 3, down to the word, "most," in line 8.

Lost.

Senator Martin's amendment was lost.

Senator Martin moved to strike out in Section 19 all down to, and including, the word, "act," in line 7.

Senator Edwards offered the following amendment as a substitute for Senator Martin's amendment:

After the word, "State," in Section 19, line 4, insert the words, "and the departments of other States."

Adopted.

Senator Martin's amendment as substituted, adopted.

Senator Ford offered the following amendment to Section 12, line 8: Strike out, "two," and insert, "one."

Adopted.

Bill ordered engrossed.

Senator Thompson moved a suspension of the rules to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—25.

NAYS—Senators Henry F. M., Martin, Wortham—3.

NOT VOTING—Senator Brown.

Bill read third time and passed, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—25.

NAYS—Senators Henry F. M., Martin, Wortham—3.

NOT VOTING—Senator Brown.

The following message from the Governor was taken up and read, and, on motion of Senator Storey, action on it was postponed until tomorrow, at 10 o'clock, A. M.

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, June 12, 1876. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: I respectfully ask your advice and consent to the following appointments:

W. W. Blake, Notary Public for Jasper County.

T. J. Carraway, " " " "

W. H. Ford, " " " "

J. W. Sanders, " " " "

Sherod Wright, " " " "

James R. Lee, " " " "

Robert P. Shelby, " " " "

John Hamilton, " " " "

T. W. Ford, Notary Public for Newton county.

T. S. McFarland " " " "

Robert Joyner, " " " "

Theophilus Grimes " " " "

H. F. Wilson, " " " "

John T. Stark, " " " "

C. H. Nemett, " " " "

H. D. Sells, Notary Public for Orange county.

Thomas Falvey, " " " "

P. A. Huffman, Notary Public for Chambers county.

W. H. Cooper, " " " "

James Armstrong, " " " "

James Jackson,	Notary Public for Chambers county.				
G. W. O'Brien,	Notary Public for Jefferson county.				
Ortis McGaffey,	"	"	"	"	"
F. C. McReynolds,	"	"	"	"	"
W. J. Barton,	"	"	"	"	"
A. Blonchet,	"	"	"	"	"
Ralph West,	"	"	"	"	"
Mark Weiss,	"	"	"	"	"
Jos. Richardson,	Notary Public for Liberty county.				
C. B. Ganard,	"	"	"	"	"
S. E. Parker,	Notary Public for Hardin county.				
J. W. Carlton,	"	"	"	"	"
J. M. Rotan,	Notary Public for Tyler county.				
B. W. Maury,	Notary Public for Polk county.				
Tom Moore,	"	"	"	"	"
W. D. Hood,	"	"	"	"	"
C. G. Fitze,	"	"	"	"	"
E. A. Stocking,	"	"	"	"	"
R. T. Robinson,	Notary Public for San Jacinto county.				
W. T. Hill,	"	"	"	"	"
L. H. McGowan,	"	"	"	"	"
Jas. E. Downes,	Notary Public for Houston county.				
B. F. Duran,	"	"	"	"	"
Wm. J. Chaffin,	"	"	"	"	"
S. D. Harp,	Notary Public for Sabine county.				
R. P. Sibley,	"	"	"	"	"
J. W. McElroy,	Notary Public for Sabine county.				
W. W. Weatherred,	"	"	"	"	"
J. M. Bordus,	"	"	"	"	"
Rufus Price,	Notary Public for San Augustine county.				
W. J. Townsend,	"	"	"	"	"
Wm. A. McClanahan,	"	"	"	"	"
James G. McKnight,	Notary Public for Angelina county.				
Albert Abney,	"	"	"	"	"
Abe Cochran,	"	"	"	"	"
Thos. Hensling,	"	"	"	"	"
John H. Moffett,	"	"	"	"	"
J. P. Renfro,	"	"	"	"	"
Sam Rich,	"	"	"	"	"
W. H. Hillen,	Notary Public for Rusk county.				
J. L. Findley,	"	"	"	"	"
Thos. G. Hall,	"	"	"	"	"
Thos. J. Goodwin,	"	"	"	"	"
M. W. Pierson,	"	"	"	"	"
Geo. H. Matthews,	"	"	"	"	"
J. B. Hollingsworth,	"	"	"	"	"
Wm. B. Garrison,	"	"	"	"	"
John T. Maddox,	"	"	"	"	"
B. H. Gibson,	"	"	"	"	"
L. D. Stephens,	"	"	"	"	"
A. G. Johnson,	"	"	"	"	"
Thos. H. Still,	"	"	"	"	"
B. G. Cummings,	"	"	"	"	"

G. H. Gould,	Notary Public for Rusk county.
Thos. J. Goodwin,	" " " "
Henderson Hillion,	" " " "
Moses F. Roberts,	Notary Public for Shelby county.
M. L. Shofner,	" " " "
James P. Payne	" " " "
D. M. Short,	" " " "
Sam'l W. Weaver,	" " " "
Chas. M. Hill,	" " " "
J. M. Hairgrove,	" " " "
Grayson Cash,	" " " "
John M. Mays,	Notary Public for Panola county.
J. G. Hazlewood,	" " " "
J. N. Hays,	" " " "
D. Y. Gammage,	" " " "
S. S. Adams,	" " " "
Brook D. Holland,	" " " "
R. P. Littlejohn,	Notary Public for Harrison county.
J. N. Coleman,	" " " "
C. H. McGill,	" " " "
A. G. Adams	" " " "
J. P. Alford,	" " " "
A. G. Turney,	" " " "
Thos. H. Craig,	" " " "
W. B. Cooke,	" " " "
H. R. Woodall,	" " " "
Wm. A. Smith,	" " " "
R. R. Wright,	" " " "
A. C. Gray,	" " " "
Abner A. Howard,	" " " "
J. M. Curtis,	" " " "

Very respectfully, RICHARD COKE.

House Bill No. 235, "An Act to provide for the payment of the bonds of the State of Texas, that will become due, and that are retireable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State, and to supply deficiencies in the revenue by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same," being the special order for this hour, was taken up and read first time.

On motion of Senator Storey, the rules were suspended to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—25.

NAYS—Senators Henry F. M., Martin, Wortham—3.

NOT VOTING—Senators Brown, Douglass—2.

The bill was then read second time.

President *pro tem.* in the chair.

Senator Ball offered the following amendment:

Amend Section 5, line 5, by inserting after the word, "cents," the words, "in gold."

Lost.

The President in the chair.

Senator Terrell offered the following amendment:

Amend Section 3 by adding the words, "but no agent shall receive more than one-fourth of one per cent. for paying said bonds under this act."

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Francis, Ford, Grace, Guy, Hobby, McLeary, Moore, Ripetoe, Stephens, Terrell—15.

NAYS—Senators Carroll, Douglass, Edwards, Henry J. R., Ledbetter, McCormick, McCulloch, Motley, Smith, Storey, Thompson, Wortham—12.

NOT VOTING—Senators Brown, Henry F. M., Martin, Piner—4.

Senator Edwards offered the following amendment:

Add to Section 5: "And when any of said bonds are sold, the officer or Comptroller, before delivering the same, shall detach such coupons for interest as are already due, and the same shall be cancelled and deposited in the office of the Comptroller of Public Accounts."

Senator Crain offered the following as a substitute for Senator Edwards' amendment:

Insert in Section 5, line 6, after the word, "dollars," the words, "and interest due thereon up to the day of sale."

Lost.

Senator Douglass offered the following amendment to Senator Edwards' amendment:

Amend the amendment by adding the words, "*provided further*, that the Comptroller shall account for all matured interest on the bonds at the time of sale."

Lost.

Senator Crain offered the following as a substitute for Senator Edwards' amendment:

Insert in Section 5, line 6, after the word, "dollar," the words, "and accrued interest."

On motion of Senator Moore, both the amendment and the substitute were laid on the table.

Senator Terrell offered the following amendment:

In Section 6, line 4, strike out all after the word, "wherefrom," and insert in lieu thereof the following: "Should the Comptroller find it necessary, in selling said bonds, to leave the State for New York or any other city in the United States, he shall do so, and shall be reimbursed from the Treasury his actual necessary traveling expenses and board while absent, to be paid, on his account, approved by the Governor of the State; and in no event shall a financial agent be employed to sell the bonds of Texas."

Senator Crain offered the following as a substitute for Senator Terrell's amendment:

Amend Section 6, by adding the following proviso: "*Provided*, the commissions to be paid to any agent shall not exceed one-half of one per cent."

Lost by the following vote:

YEAS—Senators Brown, Crain, Douglass, Edwards, Ford, Guy, Henry J. R., Hobby, Smith—9.

NAYS—Senators Ball, Blassingame, Brady, Burton, Carroll, Francis,



Grace, Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NOT VOTING—Senator Piner.

Senator McLeary moved that the Senate adjourn until this afternoon at 3:30 o'clock.

Senator Smith moved to amend by inserting, "9 o'clock to-morrow morning," instead of, "this afternoon at 3:30."

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Francis, Ford, Guy, Henry F. M., Ledbetter, Martin, Motley, Ripetoe, Smith, Storey, Wortham—17.

NAYS—Senators Burton, Carroll, Edwards, Grace, Henry J. R., Hobby, McLeary, McCormick, McCulloch, Moore, Terrell, Thompson—12.

NOT VOTING—Senators Piner, Stephens—2.

### SIXTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 29, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain.

President in the chair.

Journal of yesterday adopted.

Senator Francis, Chairman of the Committee on State Asylums, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

The Committee on State Asylums, to whom was referred Senate Bill No. 15, "An Act to provide for the admission of insane persons into the State Lunatic Asylum," and Senate Bill No. 50, "An Act to provide for the custody and maintenance of indigent lunatics," have considered the same, and have agreed to report the accompanying substitute for both bills, and recommend its passage.

FRANCIS, *Chairman.*

The caption of the substitute is a bill entitled, "An Act to provide for the custody and maintenance of indigent lunatics."

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 172, entitled, "An Act to provide for the feeding of prisoners in the jails of the several counties of the State by contract," have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend that it do not pass.

MCLEARY, *Chairman.*

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 211, "An Act for the relief of John McCoy," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend that it do not pass, as your committee have learned that he has since departed this life, and relief applies to himself only.

MCLEARY, *Chairman.*